

REMARKS/ARGUMENTS

Claims 1-35 are pending in the application, wherein claim 30 has been amended in a manner so as to become a species of claim 14.

The Office Action includes a Restriction Requirement relative to the following claim groupings:

- I. Claims 1-13, drawn to a composition comprising at least one quaternary ammonium halide;
- II. Claims 14-24, drawn to a method of treating pathogen induced disordered tissue by applying a treatment composition comprising at least one organohalide;
- III. Claims 25-29, drawn to a method of treating smallpox lesions induced disordered by applying a treatment composition comprising at least one organohalide;
- IV. Claims 30-35, drawn to a method of treating herpes virus induced disordered tissue comprising applying at least one anti-infective agent in an aqueous carrier.

Applicant hereby elects Group II with traverse relative to Group III and without traverse relative to Groups I and IV as presented in the Office Action.

Accordingly, claims 1-13 have been withdrawn from consideration at this time as being drawn to a non-elected invention. In view of the amendment to claim 30, however, Applicant submits that claims 30-35 are now within the scope of the elected invention. Claim 14 is generic to claims 25-35 because "smallpox lesions," as in claim 25, and "lesions caused by a herpes virus," as in claim 30, are merely species of "pathogen-induced disordered tissue," as in claim 14. Smallpox and herpes are both caused by pathogens (*i.e.*, smallpox and herpes viruses, respectively) and are therefore "pathogen-induced disordered tissue." Claims 14, 25 and 30 (as amended) all claim a method that employs an organohalide as anti-infective agent in a treatment composition that also includes a tissue penetrating component. Accordingly, Applicant submits that claims 14-35 as now presented are within the scope of the elected invention.

Applicant does, however, acknowledge that claims 30-35 as previously presented are patentably distinct from Groups I- III. Applicant therefore reserves the right to pursue the claims of Groups I and IV as previously presented and characterized in the Office Action in one or more later-filed divisional applications.

The Office Action further indicates that claims 1-35 are generic to the following patentably distinct species: (1) quaternary ammonium halides (claims 1-13), (2) organohalides

(claims 14-29) and (3) anti-infective agents (claims 30-35). Applicant elects organohalides without traverse. Nevertheless, Applicant notes that the term "anti-infective agent" is generic to the term "organohalides" as employed in claims 14 and 25 (*i.e.*, claims 14 and 25 each specify that the claimed "organohalides" are also an "anti-infective agent").

In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 6th day of September 2007.

Respectfully submitted,



JOHN M. GYNN
Registration No. 36,153

WORKMAN NYDEGGER
Attorneys for Applicant
Customer No. 022913

JMG:sp

W:\15070\6.2\JMG0000001109V001.doc